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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FOURTH AGE LIMITED, a United Kingdom corporation; PRISCILLA MARY ANNE REUEL TOLKIEN, as TRUSTEE OF THE TOLKIEN TRUST, a United Kingdom Charitable Trust; THE J.R.R. TOLKIEN ESTATE LIMITED, a United Kingdom corporation; HARPERCOLLINS PUBLISHERS, LTD., a United Kingdom corporation; UNWIN HYMAN LTD., a United Kingdom corporation; and GEORGE ALLEN & UNWIN (PUBLISHERS) LTD., a United Kingdom corporation,

Plaintiffs,

v.

WARNER BROS. DIGITAL DISTRIBUTION, INC., a division of WARNER BROS. HOME ENTERTAINMENT, INC., a Delaware corporation; WARNER BROS. ENTERTAINMENT, INC., a Delaware corporation, as successor-in-interest to New Line Cinema Corp.; WARNER BROS. CONSUMER PRODUCTS, INC., a Delaware corporation; WARNER BROS. INTERACTIVE ENTERTAINMENT, INC., a division of WARNER BROS. HOME ENTERTAINMENT, INC.; NEW LINE PRODUCTIONS, INC., a California corporation; THE SAUL ZAENTZ COMPANY d/b/a Middle-earth Enterprises, a Delaware corporation; and DOES 1-10, inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. CV 12-09912  
ABC (SHx)

Hon. Audrey B. Collins

**SUPPLEMENTAL  
DECLARATION OF  
RICARDO P.  
CESTERO IN  
SUPPORT OF  
SPECIAL MOTIONS  
TO STRIKE THE  
WARNER PARTIES'  
FIRST  
COUNTERCLAIM  
FOR BREACH OF  
CONTRACT AND  
ZAENTZ' SECOND  
COUNTERCLAIM  
FOR BREACH OF  
THE IMPLIED  
COVENANT**

Date: May 13, 2013  
Time: 10:00 a.m.  
Courtroom: 680

**SUPPLEMENTAL DECLARATION OF RICARDO P. CESTERO**

I, Ricardo P. Cestero, declare:

1. I am an attorney duly licensed to practice in all of the courts of the State of California and I am a Partner of Greenberg Glusker Fields Claman & Machtinger LLP, attorneys of record for Fourth Age Limited, Priscilla Mary Anne Reuel Tolkien, as Trustee of the Tolkien Trust, the J.R.R. Tolkien Estate Limited, Harper Collins Publishers, Ltd., Unwin Hyman, Ltd. and George Allen & Unwin (Publishers), Ltd. (the "Tolkien/HC Parties") herein. The facts set forth herein are of my own personal knowledge and if sworn I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of an agreement dated May 2, 2011 between Microgaming Software Systems Ltd. on the one hand and Warner Bros. Home Entertainment on the other. This document was produced by the Warner Parties in this litigation as part of their Initial Disclosures. I am informed and believe that this is the first of the two settlement agreement referenced in paragraph 7 of the Declaration of Monica Kim submitted by the Warner Parties in opposition to the Tolkien/HC Parties' anti-SLAPP motion. Exhibit 1 has been redacted to remove the financial terms.

3. Attached hereto as Exhibit 2 is a true and correct copy of a Minute Order dated October 25, 2011 issued by the Hon. Otis D. Wright II, United States District Judge in the matter of *DC Comics, Inc. v. Pacific Pictures Corp., et al.*, CADC Case No. CV 10-3633 ODW (RZx). This is the trial court decision which

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1 was appealed from and resulted in the unpublished Ninth Circuit decision in *DC*  
2 *Comics, Inc. v. Pacific Pictures Corp.* 2013 WL 120807 (9th Cir., Jan. 10, 2013).

3 I declare under penalty of perjury under the laws of the United States of  
4 America that the foregoing is true and correct.  
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6 Executed this 29th day of April, 2013 at Los Angeles, California.  
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8 /s/ Ricardo P. Cestero

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Ricardo P. Cestero

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